

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: )  
 )  
**ERIC M. BOETTNER and** )  
 )  
**JOHN ERICK LAWSON** )  
 )  
Serial No. )  
 )  
Filed: CONCURRENTLY )  
 )  
For: **Improved Manufacture of Combination** )  
 **Spoon and Straw Utensils and Novel** )  
 **Straw and Dip Tube Configurations** )

August 28, 2003

Honorable Commissioner of Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

**INFORMATON DISCLOSURE STATEMENT**

Sir:

As suggested by 37 C.F.R. §1.97, applicant's undersigned attorney brings to the attention of the Patent and Trademark Office the references listed on the attached Form PTO-14490, a copy of each of which is enclosed. This is not to be construed as a representation that a search has been made, or that no better prior art exists, or that a reference is relevant merely because cited.

MCCREA, U.S. Patent No. 5,038,476, discloses a sipping spoon with an internal bottle, apparently contemplating construction of the utensil of two or three pieces at column 2, lines 30-48.

BERNS, et al., U.S. Patent No. 5,494,430 and DICKHUT, et al., U.S. Patent No. 6,193,496, disclose representative corrugators with mold blocks of a general type that might be used to manufacture utensils according to the present invention.

LEWIS, U.S. Patent No. 5,727,321, discloses a spoon and straw utensil fabricated from separate pieces.

CRANE, et al., U.S. Patent No. 5,946,807, teaches a novelty spoon with straw function typically made of three parts, one of which is for ornamentation.

BITTON, U.S. Patent Nos. 5,915,600, 6,006,958, 6,223,939 and 6,345,731, teach the use of dip tubes on which are mounted separate ornamental figures.

BOILEAU, U.S. Patent No. 6,119,897, discloses a dip tube used in combination with a decorative tube.

ZAKSENBERG, U.S. Patent No. 6,276,566, discloses the suspension of ornamental figures within a container, in some instances using a dip tube.

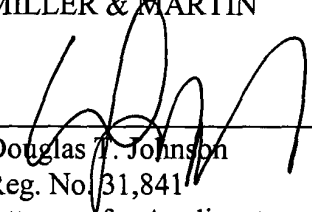
ZAKSENBERG, U.S. Patent Nos. D421,904, D421,905, D422,212, D422,910, D423,351, D423,352, D432,419, D432,420, D436,037, and D451,803, disclose ornamental figures mounted on dip tubes.

LUPKE, et al., WO 99/17916 and DE 29814457U1, disclose the use of vertical corrugation, which may be advantageously used to manufacture utensils according to the invention.

Examiner is requested to review these references and cite them of official record in this application.

Respectfully submitted,

MILLER & MARTIN



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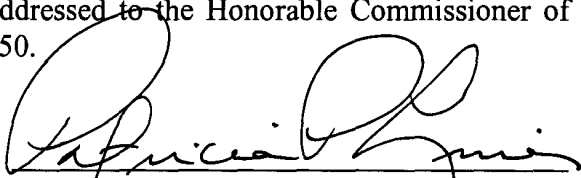
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Patricia P. Liner

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Substitute for form 1449/PTO

**INFORMATION DISCLOSURE  
STATEMENT BY APPLICANT**

(Use as many sheets as necessary)

**Complete if Known**

Sheet 1 of 3

Application Number	
Filing Date	
First Named Inventor	Boettner
Art Unit	
Examiner Name	
Attorney Docket Number	06533-0103

**U. S. PATENT DOCUMENTS**

Examiner Initials*	Cite No. <sup>1</sup>	Document Number	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear
		Number-Kind Code <sup>2</sup> (if known)			
	1	US- 5,038,476		McCrea	
	2	US- 5,727,321		Lewis	
	3	US- 5,946,807		Crane and Crane	
	4	US- 5,494,430		Berns and Dickhut	
	5	US- 6,193,496		Dickhut and Berns	
	7	US- 5,915,600		Bitton	
	7	US- 6,006,958		Bitton	
	8	US- 6,223,939		Bitton	
	9	US- 6,345,731		Bitton	
	10	US- 6,276,566		Zaksenberg	
	11	US- 6,119,897		Boileau	
	12	US- D421,904		Zaksenberg	
	13	US- D421,905		Zaksenberg	
	14	US- D422,212		Zaksenberg	
	15	US- D422,910		Zaksenberg	
	16	US- D423,351		Zaksenberg	
	17	US- D423,352		Zaksenberg	
	18	US- D432,419		Zaksenberg	
	19	US- D432,420		Zaksenberg	

**FOREIGN PATENT DOCUMENTS**

Examiner Initials*	Cite No. <sup>1</sup>	Foreign Patent Document	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages Or Relevant Figures Appear	T <sup>6</sup>
		Country Code <sup>3</sup> Number <sup>4</sup> Kind Code <sup>5</sup> (if known)				
	1	WO 99/17916	04-15-1999	Lupke		
	2	DE 29814457U1	12-24-1998	Lupke		

Examiner Signature		Date Considered	
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\*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant. <sup>1</sup>Applicant's unique citation designation number (optional). <sup>2</sup>See Kinds Codes of USPTO Patent Documents at [www.uspto.gov](http://www.uspto.gov) or MPEP 901.04. <sup>3</sup>Enter Office that issued the document, by the two-letter code (WIPO Standard ST.3). <sup>4</sup>For Japanese patent documents, the indication of the year of the reign of the Emperor must precede the serial number of the patent document. <sup>5</sup>Kind of document by the appropriate symbols as indicated on the document under WIPO Standard ST.16 if possible. <sup>6</sup>Applicant is to place a check mark here if English language Translation is attached.

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*(Use as many sheets as necessary)*

Sheet	2	of	3
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Application Number	
Filing Date	
First Named Inventor	Boettner
Art Unit	
Examiner Name	
Attorney Docket Number	06533-0103

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**Examiner  
Signature**

Date  
Considered

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